

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 CIVIL ACTION NO. 1:20-cv-3178-LJL

4 HC2, INC.,

5 Plaintiff,

6 - vs -

7 ANDREW DELANEY,

8 Defendants.

9 REMOTE DEPOSITION UPON
10 ORAL EXAMINATION
11 OF
12 ANDREW DELANEY

13 T R A N S C R I P T of the Deposition
14 of ANDREW DELANEY taken before DIANA L. R. SENATORE,
15 Certified Court Reporter and Notary Public of the
16 States of New Jersey and New York, all parties
17 appearing remotely, on September 9, 2020, commencing
18 at 11:14 a.m.

19 SENATORE REPORTING, LLC.
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25

1 A P P E A R A N C E S:

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6 BY: MICHAEL NACCHIO, ESQ.

7 Attorneys for Plaintiff

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18 A L S O P R E S E N T:

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20 STEPHANOS ZANNIKOS, General Counsel Hire Counsel

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1 COURT REPORTER: Good morning. I am Diana
2 Senatore, Certified Court Reporter, and Notary
3 Public in the States of New York and New Jersey.

4 Today's date is September 9, 2020.

5 The time is approximately 11:14 a.m.

6 This is the remote deposition of Andrew
7 Delaney in the matter HC2, Inc. vs. Andrew Delaney.
8 This case is venued in the United States District
9 Court, Southern District of New York. All parties
10 in today's deposition will be appearing remotely to
11 comply with the guidance of the Center for Disease
12 Control in response to the COVID 19 pandemic.

13 Before I swear the witness, I will ask
14 counsel to identify themselves, state their interest
15 in the case, and stipulate on the record that the
16 court reporter may swear in the deponent, even
17 though I am not in the physical presence of the
18 deponent, and that there is no objection to that at
19 that time, nor will there be an objection to it at a
20 future date.

21 MR. NACCHIO: I so stipulate.

22 MR. ROTMAN: I do so as well.

23 COURT REPORTER: Thank you.
24
25

DELANEY - Direct

1 A N D R E W D E L A N E Y, residing at
2 127 West 80th Street, New York, New York,
3 10024, having been duly sworn, testifies
4 as follows:

5 DIRECT EXAMINATION BY MR. NACCHIO:

6 Q. Mr. Delaney, my name's Michael Nacchio.
7 I'm an attorney at Ogletree, Deakins. We represent
8 HC2, Inc., better known as you know, as well, as
9 Hire Counsel. And you are here today to give your
10 remote deposition by Zoom pursuant to notice, as
11 well as a court order. And your deposition today
12 will cover HC2's claim against you -- claims against
13 you, as well as your counterclaims against HC2.

14 Do you understand that is the scope and
15 purpose of your appearance here today, sir?

16 A. Yes.

17 Q. Okay. Thank you.

18 As you could obviously tell, Mr. Delaney,
19 this is remote. There may be periods during today
20 when we have internet lag or disruption. And while
21 I'm sure somebody of your experience is familiar
22 with deposition instructions, I ask that you just
23 bear with me through some preliminary instructions.
24 The first and most important of which is I do not
25 want you to respond to a question today unless you

DELANEY - Direct

1 times.

2 A. Yeah.

3 Q. Okay. I'll put the amended counterclaims
4 back up for you.

5 On April 22 this action was commenced in
6 the Southern District of New York; correct?

7 A. Yes.

8 Q. And on April 22, 2020 you maintained
9 permanent residency in the State of New York;
10 correct?

11 A. I was living in Florida at that time.

12 Q. But you had an address in New York, the
13 one that you gave at the beginning of this
14 deposition, sir; right?

15 A. I had an address in New York, but that's
16 not where the pleadings were sent. In fact, they
17 were sent by e-mail to my Florida attorney, who told
18 them that he was not accepting any process for me.
19 And they were just dumped on him by the Kasowitz law
20 firm.

21 Q. Do you own property in Florida?

22 A. No.

23 Q. Okay. Where were you living in Florida at
24 the time?

25 A. I was living at a service apartment.

DELANEY - Direct

1 paragraph seven. The proceedings here in New York
2 and Florida --

3 MR. NACCHIO: Strike that.

4 Withdrawn.

5 Q. Paragraph 70. The proceedings both in
6 Florida and New York show coordination,
7 information-sharing, and joint presentation of
8 witnesses and evidence among HC2, the law firm, and
9 the corporation.

10 What is the basis for the statement that
11 there is coordination, information-sharing, and
12 joint presentation of witnesses?

13 A. It's a fact that's happening.

14 Q. Is that your opinion as well?

15 A. No, that's a fact.

16 Q. Okay. And tell me those facts that this
17 allegation is based on.

18 A. Well, how much do you know --

19 MR. ROTMAN: Objection.

20 A. -- about the Florida action? You seem to
21 know a lot about it.

22 Q. Are you gonna answer my question or not?

23 MR. ROTMAN: Objection. Don't answer that
24 question.

25 A. Absolutely. Happy to.

DELANEY - Direct

1 group litigation, you're working together, and
2 you're trying to make it very difficult for me by
3 having multiple proceedings involve Florida and in
4 New York. And --

5 Q. Why -- I don't want to cut you off.
6 Please continue, sir.

7 Mr. Delaney.

8 A. What?

9 Q. Finish, please.

10 A. Finish what?

11 Q. You were giving a statement and I
12 inadvertently interrupted.

13 A. I'm waiting for you asking some questions.

14 Q. No, no, no. Were you done with your
15 response? I don't want to interrupt you, and I did
16 so inadvertently.

17 A. Go ahead. Whatever question. Go ahead.

18 Q. Okay. If you don't have anything further
19 to add. I was going to ask you why did you choose
20 to file in Brevard County?

21 A. Why did I have to -- why did I have -- why
22 did I choose to file there?

23 Q. Yeah.

24 A. It was -- it was based on whatever legal
25 advice I got.

DELANEY - Direct

1 Q. All right. Are you gonna tell me anything
2 further than that, or are you gonna claim privilege?

3 MR. ROTMAN: He can answer the question to
4 the extent --

5 A. Well, if I answer the question you're
6 gonna say, ah, you waived privilege. I just told
7 you it was on advice of my counsel.

8 Q. All right. And you were living in Brevard
9 County at the time in this rental?

10 A. I think I already answered that.

11 Q. Now, later down here you say, in paragraph
12 72, HC2's counsel is collaborating with the
13 corporation's counsel in Florida to obtain a finding
14 in this regard to be used collaterally in this
15 action.

16 Tell me all of the facts that's based on,
17 Mr. Delaney.

18 MR. ROTMAN: Objection. That's privileged
19 information.

20 MR. NACCHIO: All right. Well, I have the
21 same response. As I said before, you can't be
22 asserting allegations affirmatively and then claim
23 privilege in these regards.

24 BY MR. NACCHIO:

25 Q. Mr. Delaney, do you have any response